

Robert L. Lieff (CSB No. 037568)
 Elizabeth J. Cabraser (CSB No. 083151)
 Robert J. Nelson (CSB No. 132797)
 Sarah R. London (CSB No. 267083)
 Wilson M. Dunlavey (CSB No. 307719)
**LIEFF CABRASER HEIMANN
 & BERNSTEIN, LLP**
 275 Battery Street, 29th Floor
 San Francisco, CA 94111-3339
 Telephone: (415)956-1000
 Facsimile: (415) 956-1008

Lynn Lincoln Sarko
(Admitted Pro Hac Vice)
 Gretchen Freeman Cappio
(Admitted Pro Hac Vice)
 Daniel Mensher
(Admitted Pro Hac Vice)
KELLER ROHRBACK L.L.P.
 1201 Third Ave., Suite 3200
 Seattle, WA 98101
 Telephone: (206) 623-1900
 Facsimile: (206) 623-3384

Juli Farris (CSB No. 141716)
 Matthew J. Preusch (CSB No. 298144)
KELLER ROHRBACK L.L.P.
 801 Garden Street, Suite 301
 Santa Barbara, CA 93101
 Telephone: (805) 456-1496
 Facsimile: (805) 456-1497

A. Barry Cappello (CSB No. 037835)
 Leila J. Noël (CSB No. 114307)
 Lawrence J. Conlan (CSB No. 221350)
 David L. Cousineau (CSB No. 298801)
CAPPELLO & NOËL LLP
 831 State Street
 Santa Barbara, CA 93101-3227
 Telephone: (805)564-2444
 Facsimile: (805)965-5950

Lead Trial Counsel

William M. Audet (CSB No. 117456)
 Ling Y. Kuang (CSB No. 296873)
AUDET & PARTNERS, LLP
 711 Van Ness Avenue, Suite 500
 San Francisco, CA 94102
 Telephone: (415) 568-2555
 Facsimile: (415) 568-2556

Class Counsel

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

KEITH ANDREWS, an individual, TIFFANI
 ANDREWS, an individual, BACIU FAMILY
 LLC, a California limited liability company,
 ROBERT BOYDSTON, an individual,
 CAPTAIN JACK'S SANTA BARBARA
 TOURS, LLC, a California limited liability
 company, MORGAN CASTAGNOLA, an
 individual, THE EAGLE FLEET, LLC, a
 California limited liability company, ZACHARY
 FRAZIER, an individual, MIKE GANDALL, an
 individual, ALEXANDRA B. GEREMIA, as
 Trustee for the Alexandra Geremia Family Trust
 dated 8/5/1998, JIM GUELKER, an individual,
 JACQUES HABRA, an individual, ISURF, LLC,
 a California limited liability company, MARK

Case No. 2:15-cv-04113-PSG-JEM

(Consolidated with Case Nos. 2:15-CV-
 04573 PSG (JEMx), 2:15-CV-4759 PSG
 (JEMx), 2:15-CV-4989 PSG (JEMx), 2:15-
 CV-05118 PSG (JEMx), 2:15-CV- 07051-
 PSG (JEMx))

**PLAINTIFFS' PROPOSED PLAN OF
 NOTICE/FORMS OF NOTICE**

The Honorable Philip S. Gutierrez

1 KIRKHART, an individual, MARY KIRKHART,
2 an individual, RICHARD LILYGREN, an
3 individual, HWA HONG MUH, an individual,
4 OCEAN ANGEL IV, LLC, a California limited
5 liability company, PACIFIC RIM FISHERIES,
6 INC., a California corporation, SARAH
7 RATHBONE, an individual, COMMUNITY
8 SEAFOOD LLC, a California limited liability
9 company, SANTA BARBARA UNI, INC., a
10 California corporation, SOUTHERN CAL
11 SEAFOOD, INC., a California corporation,
12 TRACTIDE MARINE CORP., a California
13 corporation, WEI INTERNATIONAL TRADING
14 INC., a California corporation and STEPHEN
15 WILSON, an individual, individually and on
16 behalf of others similarly situated,

17
18 Plaintiffs,

19 v.

20 PLAINS ALL AMERICAN PIPELINE, L.P., a
21 Delaware limited partnership, PLAINS
22 PIPELINE, L.P., a Texas limited partnership, and
23 JOHN DOES 1 through 10,

24 Defendants.
25
26
27
28

1 Pursuant to the February 19, 2018 Order granting class certification of an oil
2 industry subclass (the “Oil Industry Subclass”) (Dkt. 419) and the April 17, 2018
3 Order granting class certification of a real property subclass (the “Real Property
4 Subclass”) (Dkt. 454), under Rule 23(b)(3) of the Federal Rules of Civil Procedure,
5 Plaintiffs submit the attached forms of notice as part of the Notice Program described
6 in the accompanying Declaration of Shannon R. Wheatman, Ph.D. in Support of
7 Plaintiffs’ Proposed Notice Plan/Forms of Notice (“Wheatman Decl.”) as the best
8 practicable notice to the Class as required by Rule 23(c)(2)(B). In support of this
9 submission, Plaintiffs state as follows:

10 1. To assist with the preparation of the proposed notice to the subclasses,
11 Plaintiffs retained the services of Shannon R. Wheatman, Ph.D., President of Kinsella
12 Media, LLC, an advertising and notification consulting firm specializing in the
13 design and implementation of class action and bankruptcy notification programs. Dr.
14 Wheatman’s qualifications are more fully described in the Declaration of Shannon
15 R. Wheatman, Ph.D., ISO Plaintiffs’ Mot. for Class Cert. (Dkt. 130).

16 2. The proposed Long Form Notices are attached to the Wheatman
17 Declaration as Exhibit B; the combined Summary Notice is attached to the Wheatman
18 Declaration as Exhibit C.

19 3. The proposed Long Form Notices, different for each Subclass, use a
20 question and answer format. These Notices will be sent by direct mail to all Subclass
21 members with known addresses, as described below, and will be available at the
22 website, www.PlainsOilSpill.com. Wheatman Decl., ¶¶ 9, 34-35, 42.

23 4. The proposed Summary Notice provides a summary of the information
24 contained in the Long Form Notices. There will be a single Summary Notice
25 applicable to both Subclasses that will appear in area newspapers and trade
26 magazines, as set forth below and in the Wheatman Declaration.

27 5. All Notices will direct notice recipients to the website and toll-free
28 number where they can obtain a Long Form Notice and additional information about

1 the litigation.

2 6. The Long Form Notice for the Real Property Subclass includes a
3 reference to the website, which will identify all properties that are in the Subclass.

4 7. The proposed notices are tailored to explain the effect of this Court's
5 recent Orders on class certification in plain English, consistent with Fed. R. Civ. P.
6 23(c)(2)(B). Wheatman Decl., ¶¶ 39-42.

7 8. The Short Form Notice, Long Form Notices and the Notice Plan have
8 been reviewed by Plains and Plains does not object to the forms of Notice or the
9 Notice Plan.¹

10 9. The Notice Program includes: direct mailed notice; widely disseminated
11 notice by publication in local newspapers, a local ethnic-language newspaper, and
12 targeted oil industry trade publications; targeted Internet advertising; social media
13 advertising; earned media, including a state-wide press release and media outreach;
14 and a dedicated toll-free number and website. Wheatman Decl., ¶¶ 7, 35.

15 10. **Direct Mailed Notice.** Plaintiffs propose mailing the Long Form
16 notices to all Subclass Members whose addresses are known to Class counsel.

17 As regards the Oil Industry Subclass, the direct mailed notice involves
18 the following:

19 a. Plaintiffs have obtained the names of many Oil Industry Subclass
20 members from informal communications as well as third-party subpoenas directed to
21 Exxon, Freeport McMoRan, and Venoco, the owners and operators of the seven
22 offshore platforms and three on-shore processing facilities shut down after the Santa
23 Barbara oil spill. Each company has been subpoenaed to provide all records relating
24 to company employees and contractors involved in the operation of the platforms and
25

26 ¹Plains' position is that the website must include sufficient information to inform an
27 ordinary person as to whether or not they own or lease a property within the class.
28 Plaintiffs have agreed to give Plains the opportunity to review and comment on the
website after it has been developed. The parties will advise the Court whether they
agree the website is adequate to provide notice, or if there is a dispute.

1 refineries. To the extent these companies provided only the names of the employees
 2 and not their mailing address, Plaintiffs have researched publicly available
 3 information, if reasonably available, to locate mailing addresses. Plaintiffs will send
 4 a Long Form notice to each of the persons for whom they have a mailing address.

5 b. Plaintiffs have also instructed Exxon, Freeport McMoRan, and
 6 Venoco to provide a list of contracting entities. Upon their receipt of such
 7 information, Plaintiffs will request identifying information about employees for these
 8 contracting entities, and will also ask that these contracting entities disseminate
 9 notice to their workers. Plaintiffs will send a Long Form Notice to all of the current
 10 and former employees identified through this process.

11 c. Kinsella Media will also purchase a mailing list of oil industry
 12 workers. These potential Subclass members will also receive a Summary Notice.

13 As regards the Real Property Subclass, the direct mailed notice
 14 involves the following:

15 d. All Real Property Subclass members are intended to receive
 16 individual direct notice through the mailing of the Long Form Notice. Plaintiffs' real
 17 property appraisal expert Randall Bell has advised that the address of each Real
 18 Property Subclass member is ascertainable, and his office is in the process of
 19 obtaining the names and addresses of all properties within the Real Property Subclass
 20 through publicly available sources. These names and addresses will represent the
 21 universe of records for direct notice for the Real Property Subclass. Plaintiffs will
 22 send a Long Form Notice to each of these identified properties. Wheatman Decl.,
 23 ¶¶ 22-25.

24 11. **Paid Media Notice.** In addition to the notice being mailed to Subclass
 25 Members as set forth in Paragraph 10, *supra*, notice will be published in ten local
 26 newspapers, including a local Spanish-language newspaper, and three oil industry
 27 trade publications. Wheatman Decl. ¶¶ 26-28.

28 Targeted advertising will also be used to reach potential Oil Industry Subclass

1 members through Internet Advertising and LinkedIn. Banner advertisements will
2 appear for one month on the *Rig Zone* (www.rigzone.com) and *Oil and Gas People*
3 (www.oilandgaspeople.com) websites. Advertising on LinkedIn will be targeted to
4 reach individuals working in oil and energy; individuals who list related skills, such
5 as offshore oil, offshore drilling, offshore operations, and offshore oil and gas; and
6 individuals with related titles, such as offshore manager and offshore project
7 manager. Wheatman Decl. ¶ 30-31.

8 12. **Earned Media Notice.** A state-wide press release will be issued in
9 California (and to related microlists). Kinsella Media will reach out to bloggers,
10 reporters, and online outlets and ask them to share news of the litigation. Wheatman
11 Decl. ¶ 33.

12 13. The case website, www.PlainsOilSpill.com, will be updated to include
13 information about the Oil Industry and Real Property Subclasses. Class members
14 will also have access to the toll-free number and website from which updated
15 information will be available and a Long Form Notice can be requested. They may
16 also send inquiries directly to class counsel. Wheatman Decl. ¶¶ 34-37.

17 14. Mailed notice will take place within 90 days of an order approving
18 Plaintiffs' Plan of Notice/Forms of Notice or as soon thereafter as the Real Property
19 Subclass members are identified through the process described in Paragraph 10(d),
20 above. All other forms of notice, including all publication notice, shall be completed
21 within 120 days of an order approving the Plan of Notice. The opt out deadline will
22 be 45 days from the completion of the publication notice, prior to any trial of the
23 matter.

1 Dated: May 24, 2018

Respectfully submitted,

2
3 LIEFF CABRASER
4 HEIMANN & BERNSTEIN, LLP

5 By: /s/Robert J. Nelson
6 Robert J. Nelson

7 Robert L. Lieff (CSB No. 037568)
8 Elizabeth J. Cabraser (CSB No. 083151)
9 Robert J. Nelson (CSB No. 132797)
10 Wilson M. Dunlavey (CSB No. 307719)
11 LIEFF CABRASER
12 HEIMANN & BERNSTEIN, LLP
13 275 Battery Street, 29th Floor
14 San Francisco, CA 94111-3339
15 Telephone: (415) 956.1000
16 Facsimile: (415) 956.1008

17 Juli Farris (CSB No. 141716)
18 Matthew J. Preusch (CSB No. 298144)
19 KELLER ROHRBACK L.L.P.
20 801 Garden Street, Suite 301
21 Santa Barbara, CA 93101
22 Telephone: (805) 456-1496
23 Facsimile: (805) 456-1497

24 Lynn Lincoln Sarko
25 (*Admitted Pro Hac Vice*)
26 Gretchen Freeman Cappio
27 (*Admitted Pro Hac Vice*)
28 Daniel Mensher
(*Admitted Pro Hac Vice*)
KELLER ROHRBACK L.L.P.
1201 Third Ave, Suite 3200
Seattle, WA 98101
Telephone: (206) 623-1900
Facsimile: (206) 623-3384

1 William M. Audet (CSB No. 117456)
2 Ling Y. Kuang (CSB No. 296873)
3 AUDET & PARTNERS, LLP
4 711 Van Ness Avenue
5 Suite 500
6 San Francisco, CA 94102
7 Telephone: (415) 568-2555
8 Facsimile: (415) 568-2556

9 A. Barry Cappello (CSB No. 037835)
10 Leila J. Noël (CSB No. 114307)
11 Lawrence J. Conlan (CSB No. 221350)
12 David L. Cousineau (CSB No. 298801)
13 CAPPELLO & NOËL LLP
14 831 State Street
15 Santa Barbara, CA 93101-3227
16 Telephone: (805) 564-2444
17 Facsimile: (805) 965-5950

18 *Class Counsel*
19
20
21
22
23
24
25
26
27
28